

P I C E D
U.S. DISTRICT COURT, E.D.N.Y.
IN CLERK'S OFFICE
LONG ISLAND COURTHOUSE

COURT'S
EXHIBIT NO. 5
IDENTIFICATION/EVIDENCE
DOCKET NO. 01cv3925
DATE:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SANDRA LOCHREN, et al.,

★ JUN 14 2006 ★
X ENTERED
★ _____ ★

Plaintiffs,

-against-

COUNTY OF SUFFOLK,

Defendant.

VERDICT SHEET
CV 01-3925 (ARL)

According to the principles of law as charged by the Court and the facts as you find them, please answer the following questions:

I. Gender - Pregnancy Discrimination - Disparate Treatment Claim
Plaintiff Sandra Lochren

1. Did the plaintiff Sandra Lochren prove that the defendants' decision to deny her a light duty assignment was motivated, at least in part, by the plaintiff's pregnant condition, giving rise to an inference of pregnancy discrimination?

YES

NO

✓

If your answer to question 1 is "NO," you have found a verdict in favor of the defendants on the plaintiff Sandra Lochren's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 3.

If your answer to question 1 is "YES," please answer question 2.

2. Did the plaintiff Sandra Lochren prove that the non-discriminatory reasons offered by the defendants for not assigning her to light duty were not the true reasons, or were not the only reasons?

YES

NO

If your answer to question 2 is “NO,” you have found a verdict in favor of the defendants on the plaintiff Sandra Lochren’s gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 3 .

If your answer to question 2 is “YES,” you have found a verdict in favor of the plaintiff Sandra Lochren on the gender/pregnancy discrimination claim based on disparate treatment. In that event, please answer questions 16 and 17 and then return to question 3.

**II. Gender - Pregnancy Discrimination - Disparate Treatment Claim
Plaintiff Sarah MacDermott**

3. Did the plaintiff Sarah MacDermott prove that the defendants' decision to deny her a light duty assignment was motivated, at least in part, by the plaintiff's pregnant condition, giving rise to an inference of pregnancy discrimination?

YES NO

If your answer to question 3 is “NO,” you have found a verdict in favor of the defendants on the plaintiff Sarah MacDermott’s gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 5.

If your answer to question 3 is “YES,” please answer question 4.

4. Did the plaintiff Sarah MacDermott prove that the non-discriminatory reasons offered by the defendants for not assigning her to light duty were not the true reasons, or were not the only reasons?

YES NO

If your answer to question 4 is “NO,” you have found a verdict in favor of the defendants on the gender/pregnancy discrimination claim based on disparate treatment. In that event, please

proceed to question 5.

If your answer to question 4 is "YES," you have found a verdict in favor of the plaintiff Sarah MacDermott on the gender/pregnancy discrimination claim based on disparate treatment. In that event, please answer questions 18 and 19 and then return to question 5.

III. Gender - Pregnancy Discrimination - Disparate Treatment Claim
Plaintiff Patricia O'Brien

5. Did the plaintiff Patricia O'Brien prove that the defendants' decision to deny her light a duty assignment was motivated, at least in part, by the plaintiff's pregnant condition, giving rise to an inference of pregnancy discrimination?

YES _____ NO

If your answer to question 5 is "NO," you have found a verdict in favor of the defendants on the plaintiff Patricia O'Brien's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 7.

If your answer to question 5 is "YES," please answer question 6.

6. Did the plaintiff Patricia O'Brien prove that the non-discriminatory reasons offered by the defendants for not assigning her to light duty were not the true reasons, or were not the only reasons?

YES _____ NO _____

If your answer to question 6 is "NO," you have found a verdict in favor of the defendants on the plaintiff Patricia O'Brien's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 7.

If your answer to question 6 is "YES," you have found a verdict in favor of the plaintiff

Patricia O'Brien on the gender/pregnancy discrimination claim based on disparate treatment. In that event, please answer questions 20 and 21 and then return to question 7.

IV. Gender - Pregnancy Discrimination - Disparate Treatment Claim
Plaintiff Kelly Mennella

7. Did the plaintiff Kelly Mennella prove that the defendants' decision to deny her a light duty assignment was motivated, at least in part, by the plaintiff's pregnant condition, giving rise to an inference of pregnancy discrimination?

YES NO _____

If your answer to question 7 is "NO," you have found a verdict in favor of the defendants on the plaintiff Kelly Mennella's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 9.

If your answer to question 7 is "YES," please answer question 8.

8. Did the plaintiff Kelly Mennella prove that the non-discriminatory reasons offered by the defendants for not assigning her to light duty were not the true reasons, or were not the only reasons?

YES NO _____

If your answer to question 8 is "NO," you have found a verdict in favor of the defendants on the plaintiff Kelly Mennella's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 9 .

If your answer to question 8 is "YES," you have found a verdict in favor of the plaintiff Kelly Mennella on the gender/pregnancy discrimination claim based on disparate treatment. In that event, please answer questions 22 and 23 and then return to question 9.

V. Gender - Pregnancy Discrimination - Disparate Treatment Claim
Plaintiff Christine Blauvelt

9. Did the plaintiff Christine Blauvelt prove that the defendants' decision to deny her a light duty assignment was motivated, at least in part, by the plaintiff's pregnant condition, giving rise to an inference of pregnancy discrimination?

YES _____

NO

If your answer to question 9 is "NO," you have found a verdict in favor of the defendants on the plaintiff Christine Blauvelt's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 11.

If your answer to question 9 is "YES," please answer question 10.

10. Did the plaintiff Christine Blauvelt prove that the non-discriminatory reasons offered by the defendants for not assigning her to light duty were not the true reasons, or were not the only reasons?

YES _____

NO _____

If your answer to question 10 is "NO," you have found a verdict in favor of the defendants on the plaintiff Christine Blauvelt's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 11.

If your answer to question 10 is "YES," you have found a verdict in favor of the plaintiff Christine Blauvelt on the gender/pregnancy discrimination claim based on disparate treatment. In that event, please answer questions 24 and 25 and then return to question 11.

VI. Gender - Pregnancy Discrimination - Disparate Treatment Claim
Plaintiff Miriam Riera

11. Did the plaintiff Miriam Riera prove that the defendants' decision to deny her a light duty assignment was motivated, at least in part, by the plaintiff's pregnant condition, giving rise to an inference of pregnancy discrimination?

YES _____

NO

If your answer to question 11 is "NO," you have found a verdict in favor of the defendants on the plaintiff Miriam Riera's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 12A.

If your answer to question 11 is "YES," please answer question 12.

12. Did the plaintiff Miriam Riera prove that the non-discriminatory reasons offered by the defendants for not assigning her to light duty were not the true reasons, or were not the only reasons?

YES _____

NO _____

If your answer to question 12 is "NO," you have found a verdict in favor of the defendants on the plaintiff Miriam Riera's gender/pregnancy discrimination claim based on disparate treatment. In that event, please proceed to question 12A.

If your answer to question 12 is "YES," you have found a verdict in favor of the plaintiff Miriam Riera on the gender/pregnancy discrimination claim based on disparate treatment. In that event, please answer questions 26 and 27 and then return to question 12A.

12A. In deciding the plaintiffs' disparate treatment claims, did you consider the plaintiffs to be similarly situated to:

a. de-gunned officers?

YES _____

NO

b. other officers with off-duty injuries, illnesses or conditions?

YES

NO _____

Please proceed to question 13.

VII. The Gender-Pregnancy Claim - Disparate Impact Claim

13. Did the plaintiffs prove that the defendants' practice of denying a light duty assignment to officers requesting light duty for off-duty injuries or conditions caused a harsher impact on pregnant police officers?

YES

NO _____

If your answer to question 13 is "NO," you have found a verdict in favor of the defendants on the gender/pregnancy discrimination claim based on disparate impact.

If your answer to question 13 is "YES," please answer question 14.

14. Do you find that the defendants' employment practice of not assigning pregnant police officers to light duty was (1) job related, and (2) was consistent with business necessity?

YES

NO _____

If your answer to question 14 is "NO," you have found a verdict in favor of the plaintiffs in the gender/pregnancy discrimination claim based on disparate impact. In that event, please proceed to question 16 and answer questions 16 through 27 if you have not already done so.

If your answer to question 14 is "YES," please answer question 15.

15. Did the plaintiffs prove that the defendants could have, but did not, implement a suitable alternative policy that would have been as effective at serving the business necessity that the defendants identified and would have resulted in a lesser adverse impact?

YES

NO _____

If your answer to question 15 is "NO," you have found a verdict in favor of the defendants on the gender/pregnancy discrimination claim based on disparate impact. In that event, do not answer any additional questions.

If your answer to question 15 is "YES," you have found a verdict in favor of the plaintiffs in the gender/pregnancy discrimination claim based on disparate impact. In that event, please proceed to question 16 and answer questions 16 through 27 if you have not already done so.

Damages

16. We award the plaintiff Sandra Lochren actual damages in the sum of

\$ 0

17. We award the plaintiff Sandra Lochren damages for emotional distress and mental anguish in the sum of

\$ 5,000

18. We award the plaintiff Sarah MacDermott actual damages in the sum of

\$ 637.14

19. We award the plaintiff Sarah MacDermott damages for emotional distress and mental anguish in the sum of

\$ 12,424.23

20. We award the plaintiff Patricia O'Brien actual damages in the sum of

\$ 0

21. We award the plaintiff Patricia O'Brien damages for emotional distress and mental anguish in the sum of

\$ 5,000

22. We award the plaintiff Kelly Mennella actual damages in the sum of

\$ 667.42

23. We award the plaintiff Kelly Mennella damages for emotional distress and mental anguish

in the sum of

\$ 22,358.57

24. We award the plaintiff Christine Blauvelt actual damages in the sum of

\$ 0

25. We award the plaintiff Christine Blauvelt damages for emotional distress and mental anguish in the sum of

\$ 5,000

26. We award the plaintiff Miriam Riera actual damages in the sum of

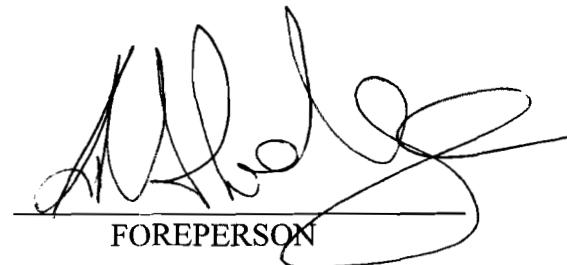
\$ 0

27. We award the plaintiff Miriam Riera damages for emotional distress and mental anguish in the sum of

\$ 5,000

After the foreperson signs and dates the verdict sheet, please send a note to the Court and prepare to return to the courtroom.

Dated: Central Islip, New York
June , 2006



A handwritten signature in black ink, appearing to be a name, is written over a horizontal line. Below the line, the word "FOREPERSON" is printed in capital letters.